IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA, 1928

Bail Appl..No. 7556 of 2006()

SC.108/2000 of ADDL. SESSIONS COURT (ADHOC), ALAPPUZHA
CRIME NO.886/97 OF KAYAMKULAM POLICE STATION.

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PETITIONER/ACCUSED:

SUNIL KUMAR, S/O.NATESAN,
THEKKEDATH HOUSE, GOVINDAMUTTOM MURI,
PUTHUPPALLI VILLAGE, KARTHIKAPPALLI TALUK.

BY ADV. SRI.K.RAMAKUMAR
SRI.A.SAMEER

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE STATION HOUSE OFFICER,
KAYAMKULAM POLICE STATION,
KAYAMKULAM.

BY PUBLIC PROSECUTOR SHRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 01/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 7556 OF 2006

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DATED THIS THE 1st DAY OF JANUARY, 2007

O R D E R

Petitioner who is the second accused in Crime No.886/97 of Kayamkulam Police Station for offences punishable under sections 55 (a) and 55(g) of the Abkari Act for allegedly having been found in joint possession of 10 litres of spirit on 26.11.1997, seeks anticipatory bail.

2. Admittedly, the case against the petitioner is pending before the J.F.C.M., Kayamkulam which is the committal court as L.P.No.44/2000 and non-bailable warrants of arrest are pending against the petitioner. If so anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the committal court and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the contention of the petitioner that the co-accused in the case have already been acquitted.

With this direction, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn